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643 695 331 The name of the chief is sacred in so far as it is generally used in oaths. When asked to swear, a Nondwane man will say: "Maphunga!" (1)

II. *The Regalia.*

643 Kings everywhere like to adorn themselves with specially imposing objects, insignia of their office, which differentiate them from their subjects. The Thonga chiefs have no peculiar crown — the shidlodlo belonging to all adults (p. 129)—, no special garment, no sceptre and no throne. We sometimes translate by the word throne *shilubelo* viz., the place where one *luba*, pays the tax; but this is only a hut smaller than the others and subjects can also possess it. (See page 313). However there are, in some of these small kingdoms, royal objects which may be called regalia (bukosi bya hosi).

643 301 Amongst the Nkunas, the chief possesses a large copper bracelet called *ritlatla*, which was bought a very long time ago, in Lourenço Marques, by the Nkuna clan in exchange for tusks of elephants, says Mankhelu. Accosding to others, the ritlatla was made in old times by Natives from the copper, or perhaps from the gold dug by them. The ritlatla was in the hands of the elder branch of the Nkuna clan; Hoshana was its headman, but he had fled into the Ñwamba country during the troubled period of 1855 to 1860. When he died, his people brought the ritlatla to the chief Shiluvane who belonged to a younger branch, thinking that, at his death, the ritlatla together with the chieftainship would be given back to

643 681 (1) Kidd, in his *Kafir Socialism*, has asserted that Bantu chiefs are very jealous and kill their subjects when they become too rich and thus overshadow them. This may be the case in other tribes or when a military government has taken the place of the old patriarchal system. Amongst the Thongas it is not true. My informants could not quote a single instance of a murder committed by a chief for that reason alone. I heard of Shiluvane killing a subject called Muhluhluni who had acquired too much power; but Muhluhluni had declared that he wanted to usurp the chieftainship; so it was a case of high treason! A rich nduna, in the territory of Nhandja (Nondwane), was also killed and his oxen taken by the chief because he had tried to abduct one of the chief's wives. But many headmen had as many oxen as Maphunga and were not troubled by him on that account: "Why should he hate them? They could not harm him, as he was protected by the supernatural powers, and they brought him all the more beer as they had plenty of wives and consequently of mealies!"

643 in the form of a *djimo*. (See Part IV.) Moreover the young
466 men are always at the disposal of the chief to clean his public square, build his huts, repair the thatched roofs of the royal kraal and organise hunting expeditions for him.

643 4. But the greater part of the royal revenue consists now in
651 *money* which the chief receives from his subjects. Mubvesha taxes each village a sum of 500 reis besides the regular basket of mealies. At the end of the bukanye feast, each village must send him another 500 reis to notify him that the feast is ended. When a young man returns from Johannesburg having made enough money to lobola a wife, he must leave £ 1.10.0 in the hands of the chief. The latter also recruits boys whom he sends to the recruiting agents, getting as much as £ 1 or £ 1.10.0 per head. When a sub-chief dies, his people inform the paramount chief of his death, bringing a sum of money (1500 reis). The chief, however, does not receive any portion of the inheritance in the case of a death. There is no taxation on the succession.

643 5. A great deal of money comes into the hands of the chief
651 *owing to fines which he imposes* when acting as supreme judge.
681 When a plaintiff brings a case and the culprit is condemned to pay him £ 25, Mubvesha keeps £ 10 for himself ; he retains £ 5 if the fine is £ 10.

643 Sub-chiefs do not tax their subjects as a rule. They must
631 bring to their superior all the products of taxation. They do
651 not "eat" anything. But in some cases the chief gives them a part of it. Thus Habele, sub-chief of Rikatla, used to "eat" half of the taxes brought to him by young men coming back from Johannesburg.

V. *Dangers and difficulties of the Chieftainship.*

643 Endowed with supernatural power which he owes to his magical
554 medicines, feared and sometimes loved by his subjects, with plenty to eat and richer than any of his people, who readily consent to be taxed, the chief occupies an enviable position. The chieftainship (buhosi), therefore, is very much sought after and no

2) Civil cases.

692 I will not assert that Thongas know the exact difference between
622 civil and criminal cases, the same tribunal judging them both and
643 all being called by the same name, milandju.
681 If any distinction is made, it would be between private and official cases, *private cases* being those which are settled by the two parties concerned alone, without the intervention of the chief ; whilst *official cases* are those in which the matter (mhaka) has been brought to the capital. As already explained, the headmen of the village try to settle the difficulties themselves ; if they succeed, all the better, as the fine will be reduced to its minimum, whilst, before the Court, the fine would be doubled and the chief would keep half of it!

691 Ninety per cent of the civil cases are in connection with *lobola*. These are sometimes most intricate and I would refer to the description already given of some of them (p. 282 and Appendix VIII).

691 *Divorce cases* are also common. When a woman has definitely
586 left her husband, her relatives must return the lobolo money.
643 "You must give up to them £ 5 or an ox," says Mankhelu. The
614 chief Mubvesha who was known for his avarice used to arrest the husband and make him pay £ 25 ; he returned £ 15 to the wife's relatives and kept £ 10 for himself.

When money is returned, the children belong to the mother (See page 279).

691 Many cases may occur in connection with *cattle*. The case of
643 *redhibition* is foreseen : when I buy an ox and it dies on my hands
637 from a disease which was not known at the date of my purchase but which already existed, I have the right to go and ask for another in its place. But I bring the skin of the dead ox with me and one hoe inside it for the meat which I have eaten. If the seller refuses to accept my claim, I go to the chief and complain. He will summon the recalcitrant person and say to him : "Did not this man act well when he put a hoe inside the skin ? Give him another ox!" (Mankhelu.)

681 685 643 When goats have damaged somebody's garden, there is no fine to pay. The shepherds are whipped and the matter is thus concluded. Should the father of the boys, however, take their part and protect them with his weapons, he will be summoned to the tribunal of the chief and have to pay a fine of £ 5 or two or three goats.

643 231 686 Thonga Natives who have but a few head of cattle, are accustomed to entrust them to the care of neighbours possessing a large herd, in order to spare themselves the trouble of finding herding boys. There are some laws regulating this matter. If the owner of the cow, or the pig, or the goat, gives money in advance to the master of the large herd, all the calves, pigs, and kids, which may be born revert to him. But if he has not paid anything, the master of the herd is entitled to choose one pig out of the first litter ; or he can keep the third or fourth calf or kid. If it be a hen, one of its chickens will belong to the man who took care of it. Should the owner forget to remit the due reward, there will be trouble (pongwe). When he goes to take his cattle back, the master of the herd will keep one head for himself, and, if a dispute arises, both will go to the chief, at least if the matter is important, if the animal in question, for instance, is an ox.

If an ox incorporated with another man's herd dies, the master of the herd will inform the owner in order that he may go and dispose of the meat. Should he be living too far off, the ox will be eaten on the spot and the skin will be sent to the owner.

231 685 Suppose the master of the herd pretends that the ox is dead, but has only put it with another herd, and sent a skin to the owner to deceive him, it is a case of theft, which will be judged as such.

3) Criminal cases.

684 787 837 *Adultery.* Our tribe punishes adultery very severely indeed, at least when the woman is married. The fine is a full lobolo. (See page 197.) Amongst the Nkunas if the accused man denies his guilt when questioned indoors, the bones are consulted, or even the magicians who practise the "vumisa" divination. (Part

682 627 procedure. They are in advance of many tribes. The same cannot be asserted when dealing with witchcraft!

Witchcraft (Buloyi). To the Thonga mind this is one of the 754 greatest crimes which a man can commit. It is equivalent to 683 assassination, even worse than murder, as a dim idea of anthro- 787 pophagy is added to the simple charge of killing. A wizard 694 kills human beings to eat their flesh. We shall study the conceptions of *buloyi* later on (Part VI) from a psychological point of view. Here it is mentioned only in as far as it gives rise to judicial cases. This particular crime being committed in great secrecy during the night, and in most instances even unconsciously, the Bantu tribunal uses two or three magical methods for discovering it. These *methods of inquiry*, which civilised nations have long ago abandoned, are :

1) *Divination by casting lots.* The objects used in our tribe for this purpose are the magic bones, the astragalus of goats, antelopes, etc, and shells, which I intend to study in a special chapter. When they have designated (ku ba, to beat) the wizard or witch (noyi) who has killed such and such a person, they are consulted a second time. If they confirm their verdict, the relatives of the deceased go to the chief and lodge their complaint. The accusation becomes official and is now in the hands of the tribunal.

2) The chief sends the plaintiff and accused to the magician who proceeds to the *divination by questioning* them and working himself up into an ecstatic condition (vumisa).

683 695 824 787 754 3) Should the accused be again designated and should he deny his crime, he may request to be submitted to the *ordeal*, viz. the trial by the solaneous plant called mondjo. If the drug intoxicates him, his guilt is confirmed for the third time and the tribunal will condemn him. The punishment for *buloyi* is death, either by hanging, or by empaling, or by drowning in the river, if the wizard was in the habit of perpetrating his murders by sending crocodiles to kill his victims.

177 681 Nowadays Native chiefs dare not put to death suspected witches. Since the Ba-Ronga have been under the jurisdiction of the Whites, the *death penalty* has been abolished. On the other hand, under

627 Gungunyana, executions were of frequent occurrence. When the
683 chief had condemned a man to death, he merely made a sign to
754 one of his executioners, who followed the unfortunate individual, as he went away into the bush, possibly quite unconscious of the fate awaiting him, and dealt him a heavy blow from behind with either club or assagay, killing him on the spot. Chiefs now only expel wizards or witches from the country, accompanying them to the boundary, or impose a high fine on them, keeping half of the amount. However there are still individuals who avenge themselves for the death of a relative on the suspected murderer by killing him. Such cases are not infrequently brought before the Courts of Pretoria and Johannesburg.

177 What is the duty of the civilised tribunal in such instances ? White
681 judges generally condemn to death a man who has killed a "noyi".
627 I know of cases in which even an induna who had hanged a "noyi," duly condemned by the Native Court, was himself considered a criminal
683 and condemned as such. This happened to our friend Mankhelu, one
754 of the pillars of the Nkuna tribe, the General of the army... He only escaped death owing to petitions sent to the Boer Authorities by both Blacks and Whites. This happened, I think, in 1888. Are European judges right in pronouncing the capital punishment in such cases ? This is questionable. It is certainly erroneous to assimilate Mankhelu's act which, in his own eyes, is an act of justice, to an ordinary murder, and to punish him as an assassin. He did what he thought to be right according to his knowledge. The husband of a bewitched woman who kills the murderer of his wife is more blamable, because his act is not sanctioned by the authority of a regular Court. However neither one nor the other deserves death.

683 I fully recognise that such acts of the Native tribunals must be
754 stopped. A chief who accepts accusations of witchcraft ought to be punished, especially if it has been duly explained to him that a White Government does not allow any such case to be judged in the country. In the course of time Natives will understand this and the witchcraft superstition will dwindle away. But let us be patient with them, remembering that our forefathers of 300 years ago did exactly the same thing and burnt hundreds of suspected witches after having subjected them to horrible tortures.

In an essay on the subject published in the S.A.A.A.S Report of

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177 Governments have everywhere placed Native Commissioners to watch over their coloured subjects. This has put *an end to the tribal wars.* Natives are no longer allowed to indulge in their old fighting customs. They may avail themselves of a war between Europeans to square up old accounts with each other, as happened during the Anglo-Boer war, but they are forbidden to follow the war-path any longer. In many parts of South Africa they have even been disarmed. This change, as a whole, is a favourable one. Native wars never brought blessing to the race. It tends however to destroy one of the springs of patriotism, and in this way it impoverishes the Native mind.

643 175 631 P. 177. 64 *c)* These Native Commissioners have placed a very effective check, not only upon the military tendencies of the tribe, but upon *the power of its chiefs.* The authority of the chief in the clan has certainly been diminished. In some instances he has been deposed, or banished in consequence of war, and the tribe has remained without a head and without force, as it were emasculated, and unable to guide itself. As Mankhelu said: "Our chief is the forest into which we retreat! Without him we are but women!" This was sadly noticeable in the case of the Zihlahla or Mpfumo clan, which was perhaps the most developed of all the Ronga kingdoms and which suffered most from the 1894-96 war. Its young chief Ñwamantibyane was caught and deported to some spot in Eastern Africa, and the clan was dismembered, a great number of men emigrating to the Transvaal; the others remained dissatisfied but powerless in their old territory, and were incorporated with Matjolo or Mabota.

643 681 692 P. 177. 69 Even when the Native chief is maintained in his position by the Whites, his power is curtailed. As a judge, he is no longer allowed to inflict capital punishment. His tribunal only judges minor cases, and beside and beyond him, there is a further appeal, the Court of the White Commissioner, which is ready to consider every important case. Should the Native chief be unjust or selfish in his decisions, the subjects will go more and more to the White tribunal. It may be that their claims will not be so well understood as in their own *hubo*, but they will perhaps meet with fairer treatment. Shrewd and clever Native Commissioners thus succeed in attracting more applicants to their residences than the chief to his capital (1). This dual control leads to a progressive loosening of the tribal tie.

(1) This was the case for instance in Nondwane. The unjust and egoistical rule of Mubwabo compelled many of his subjects to go "shikanakwen," viz., to the Portuguese Administrator of Morakwen.